

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

|                     |   |                  |
|---------------------|---|------------------|
| JOSEPH DEMAURO,     | ) |                  |
|                     | ) |                  |
| Plaintiff,          | ) |                  |
| v.                  | ) | No. 98 C 8318    |
|                     | ) | Judge Gottschall |
| BETTY LOREN-MALTESE | ) |                  |
| and TOWN OF CICERO, | ) |                  |
|                     | ) |                  |
| Defendants.         | ) |                  |

**PLAINTIFF'S SUPPLEMENTAL LOCAL RULE 54.3(e) STATEMENT  
REGARDING ATTORNEYS' FEES AND RELATED NONTAXABLE EXPENSES**

Plaintiff JOSEPH DEMAURO ("DeMauro") by his attorneys and pursuant to Local Rule 54.3(e), submits the following supplement to his Local Rule 54.3(e) Statement Regarding Attorneys' Fees and Related Nontaxable Expenses for the time period running from February 1, 2007 through October 31, 2007.<sup>1</sup> Attached hereto and incorporated herein by reference are the time and expense records of Hughes Socol Piers Resnick & Dym, Ltd. for this case, which show the time, tasks and expenses for which compensation is sought for this time period.

As set forth in the attached time and expense records, DeMauro claims fees (for attorneys and paralegals) in the total amount of \$34,414.50, and nontaxable expenses in the amount of \$469.82 for the time period of February 1, 2007 through October 31, 2007.

|                     |                               |             |
|---------------------|-------------------------------|-------------|
| Terence J. Moran    | 63.7 hours at \$370 per hour: | \$23569.00  |
| Peter C. McLeod     | 28.1 hours at \$200 per hour: | 5620.00     |
| Cara Hendrickson    | 16.5 hours at \$215 per hour: | 3590.50     |
| Karen L. Bass Ehler | 4.8 hours at \$175 per hour:  | 840.00      |
| Alex Montgomery     | 0.6 hours at \$200 per hour:  | 120.00      |
| Arianna Cisneros    | 6.7 hours at \$75 per hour:   | 502.50      |
| Matthew Montalvo    | 1.6 hours at \$75 per hour:   | 120.00      |
| Marci Sahinoglu     | 0.7 hours at \$75 per hour:   | 52.50       |
|                     |                               | \$34,414.50 |

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<sup>1</sup> DeMauro reserves the right to seek an award of additional fees and expenses incurred thereafter, including work on defendants' appeal of the judgment against them and in favor of DeMauro.

**EXHIBIT**

1

These supplemental fees are based on the “lodestar” method. The affidavits of Terence J. Moran and Judson H. Miner previously submitted in support of DeMauro’s Local Rule 54.3(e) Statement, as well as the attached Supplemental Affidavit of Terence J. Moran, support the hourly billing rates sought by DeMauro in this supplement.

Respectfully submitted,

s/ Terence J. Moran

Terence J. Moran, Esq.  
Hughes Socol Piers Resnick & Dym, Ltd.  
70 West Madison, Suite 4000  
Chicago, Illinois 60602  
*Attorneys for Plaintiff Joseph DeMauro*

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

|                     |   |                  |
|---------------------|---|------------------|
| JOSEPH DEMAURO,     | ) |                  |
|                     | ) |                  |
| Plaintiff,          | ) |                  |
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|                     | ) | Judge Gottschall |
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| and TOWN OF CICERO, | ) |                  |
|                     | ) |                  |
| Defendants.         | ) |                  |

**SUPPLEMENTAL AFFIDAVIT OF TERENCE J. MORAN**

I, Terence J. Moran, state under oath that the following facts are true.

1. This Affidavit supplements the Affidavit submitted to the Court on March 12, 2007 as part of Plaintiff's Local Rule 54.3(e) Statement Regarding Attorneys' Fees And Related Nontaxable Expenses, which itself was Exhibit 1 to Plaintiff's Motion For Award Of Attorneys' Fees And Related Nontaxable Expenses.

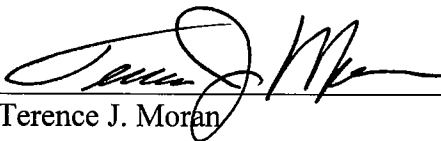
2. The increase in the hourly rates for attorneys listed in both the Plaintiff's first Local Rule 54.3(e) Statement and the foregoing Supplemental Local 54.3(e) Statement reflect rate increases our law firm put into place across the board for those attorneys for calendar year 2007. Since the overwhelming bulk of time reflected in the initial Statement was for 2006 and earlier, the initial Statement used our firm's 2006 hourly rates. The only attorney whose time appears only in Plaintiff's Supplemental Statement is Ms. Karyn L. Bass Ehler.

3. Ms. Bass Ehler has been employed as Associate Attorney for our law firm since September of 2007. She earned a Bachelor of Arts degree from Northwestern University in 2000 and a Juris Doctor degree *cum laude* in 2005 from DePaul University School of Law, where she was Editor-in-Chief of the DePaul Law Review for the 2004-2005 academic year. During the

summer of 2004, Ms. Bass Ehler was a Summer Associate at Kirkland & Ellis, LLP. During 2005 and 2006, she was a Judicial Law Clerk for Hon. William J. Bauer of the U.S. Court of Appeals for the Seventh Circuit. During 2006 and 2007, until she joined our firm, Ms. Bass Ehler was a Judicial Law Clerk for Hon. Matthew F. Kennelly of this judicial district. Since joining our firm, Ms. Bass Ehler has conducted legal research, drafted briefs and legal memoranda in civil rights and general litigation matters. I believe the \$175 hourly fee charged for Ms. Bass Ehler's work on this case is reasonable and consistent with market rates for attorneys with similar qualifications and experience.

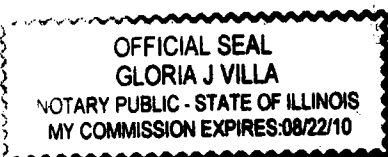
4. Our law firm's time and expense records for this case which are submitted with Plaintiff's Supplemental Local Rule 54.3(e) Statement accurately document the time spent, tasks performed and disbursements made in connection with this case during the time period covered by those records. As with every case, firm attorneys and staff were required to make contemporaneous entries of time spent, tasks performed and disbursements made in connection with this case. Those time and expense entries were then compiled in our law firm's computerized billing system.

FURTHER AFFIANT SAYETH NOT.

  
Terence J. Moran

SIGNED and SWORN to before me  
this 5<sup>th</sup> day of November, 2007.

  
Notary Public



Nov 2, 2007

INVOICE NO.: \*\*\*\*\*

JOSEPH DEMAURO  
 1210 S. AUSTIN BLVD., APT.7  
 CICERO, IL 60804

Client No.: 0101387  
 Matter No.: 138710534 TOWN OF CICERO

For Legal Services and Disbursements  
 For the Period Ending Oct 31, 2007

|              |  | Hours<br>----- |
|--------------|--|----------------|
| 02/01/07 AEC | Conduct analysis of attorney fees  | 1.50           |
| 02/01/07 TJM | Conference with Ms. Cisneros re defendant fee/hours/expense analysis; letter to Mr. Delgado  | 1.50           |
| 02/02/07 AEC | Conduct analysis of attorney fees; submit same to P. McLeod and T. Moran for review; edit analyses   | 4.10           |
| 02/02/07 PCM | Review fee calculation/schedule; conference with Mr. Moran and review correspondence re: same  | 1.80           |
| 02/02/07 TJM | Revise letter to Mr. Del Galdo; conferences with Mr. Piers and Mr. McLeod re same; email correspondence with Ms. Cisneros re breakdown of defendants' fees and expenses  | .50            |
| 02/05/07 PCM | Draft motion to file additional exhibits; obtain and review fee cases cited by defendants; review correspondence from the Town   | 1.60           |
| 02/05/07 TJM | Review email from Ms. Cisneros re defendants' fees and expenses; review minutes of 1-9-07 Town Board meeting; conference with Mr. McLeod re above and re moving to add minutes and Tribune article as reply brief exhibits; letters from/to Messrs. Spatano and Zimmer | 2.40           |

JOSEPH DEMAURO  
 FILE NUMBER: 138710534  
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|              |  |      |
|--------------|--|------|
| 02/06/07 TJM | Revise letter to Messrs. Spataro and Zimmer;<br>legal research re fee issues; telephone mail<br>messages from/to Mr. Hernandez re his<br>communication with Town officials   | 2.20 |
| 02/07/07 TJM | Telephone conference with Mr. Hernandez re his<br>communications with Town officials; prepare for<br>2/8 court appearance  | .40  |
| 02/12/07 TJM | Letter to Mr. Spataro re fee/expense records   | .20  |
| 02/13/07 TJM | Review court notice; telephone conference with<br>Mr. DeMauro re status; review letter from Mr.<br>Hunt  | .60  |
| 02/22/07 TJM | Review 2/19 letter from Mr. Spataro; review<br>motion to reset L.R. 54.3 schedule; prepare<br>responsive letter to Mr. Spataro; review L.R.<br>54.3(d) letter from Messrs. Spataro and Zimmer  | .90  |
| 02/23/07 TJM | Local Rule 54.3 letter to Messrs. Spataro and<br>Zimmer; begin work on joint statement; review<br>defendants' response to costs motion to strike   | 1.60 |
| 02/24/07 TJM | Review DeMauro/Hernandez billing records in<br>light of Messrs. Spataro and Zimmer's 2/21<br>letter; continued work on draft Local Rule<br>54.3(e) Joint Statement   | 1.40 |
| 02/26/07 TJM | Review defense counsel fee records in light of<br>Messrs. Spataro and Zimmer's 2/21 letter;<br>complete work on draft L.R. 54.3(e) joint<br>statement; letter to Messrs. Spataro and Zimmer  | 1.80 |
| 02/27/07 TJM | Revise/finalize letter to Messrs. Spataro and<br>Zimmer; review fax from Mr. Spataro's<br>assistant Rosemary Bolas re Joint Statement;<br>telephone conference with Ms. Bolas re same;<br>telephone conference with Mr. DeMauro re<br>status, recent developments and options if<br>denied reinstatement | .80  |
| 03/02/07 TJM | Review letter from Mr. Spataro; draft/revise<br>letter response to same  | .30  |

JOSEPH DEMAURO  
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|              |   |      |
|--------------|---|------|
| 03/06/07 TJM | Review defendants' Motion for Leave to File;<br>draft Motion to Strike Costs Objections Reply;<br>begin work on Fee/Expense Motion  | 2.30 |
| 03/07/07 TJM | Continued work on Fee Motion; check court call<br>sheet re motion noticed for 3/8/07  | .80  |
| 03/09/07 ARM | Research issue of sanctions for defense<br>counsel's failure to comply with local rule<br>54.3.   | .60  |
| 03/09/07 NMM | Deliver Courtesy Copy to Judge Gottschall's<br>Chamber.   | .40  |
| 03/09/07 TJM | Continued work on Fee Motion; conference with<br>Ms. Montgomery re research assignment; review<br>case law compiled by Ms. Montgomery; email to<br>Ms. Hendrickson re finding additional case law   | 2.70 |
| 03/11/07 CAH | Conduct legal research re sanction for failure<br>to participate in fees conference under Local<br>Rule 54.3; draft email to T. Moran re results<br>of research.  | 1.80 |
| 03/12/07 AEC | Contact J. Miner to ask for signature on<br>affidavit to support fee petition; schedule<br>meeting re same; go to J. Miner's office to get<br>signature and to get the affidavit notarized.   | 1.10 |
| 03/12/07 NMM | Delivery to Judge Gottschall Chambers (2356)  | .40  |
| 03/12/07 TJM | Complete work on Fee Petition and related<br>documents and exhibits; review email from Ms.<br>Hendrickson and cases discussed therein;<br>telephone conference with Mr. Miner re his<br>Affidavit; telephone conference with Ms.<br>Cisneros re obtaining signature on same | 7.40 |
| 03/13/07 NMM | Deliver Courtesy Copy of Motion for Award of<br>Attorneys Fees and Related Nontaxable Expenses  | .40  |
| 03/13/07 TJM | Review docket sheet for defendant Post-Trial<br>Motion Reply Brief; letter to Mr. Hunt re same  | .30  |

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|          |     |   |      |
|----------|-----|---|------|
| 03/15/07 | PCM | Review defendant's reply in support of post trial motions; conference with Mr. Moran re same  | .40  |
| 03/15/07 | TJM | Review/analyze defendants' Post Trial Motion Reply Brief; note to and conference with Mr. McLeod re same  | .40  |
| 04/05/07 | PCM | Review defendants' motion for extension of time to respond to fee motion  | .20  |
| 04/06/07 | TJM | Review Town motion for extension of time; telephone mail messages from/to Mr. McLeod re same  | .20  |
| 04/09/07 | TJM | Draft Response to Town Motion for Extension of Time to File Response to Fee Motion  | .80  |
| 04/16/07 | PCM | Review defendants' response to fee motion; telephone conference with Mr. Moran re same  | .60  |
| 04/16/07 | TJM | Telephone conference with Mr. McLeod re Town response to fee petition   | .20  |
| 04/17/07 | TJM | Review/analyze Town Response to Fee Motion  | .50  |
| 04/18/07 | MLS | Print cases from Westlaw from defendants' objection to plaintiffs' motion for fees and non-taxable expenses   | .70  |
| 04/18/07 | TJM | Review/analyze cases cited in the Town's Fee Motion Response  | 1.80 |
| 04/19/07 | TJM | Complete review/analysis of cases cited in the Town's Fee Motion Response   | .70  |
| 04/20/07 | CAH | Conference with Mr. Moran re fee motion; review plaintiff's fee motion and defendant's response; review cases cited by defendant in response brief. | 1.40 |
| 04/20/07 | TJM | Conference with Ms. Hendrickson re Fee Motion and her drafting reply brief re same  | .40  |



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|              |   |      |
|--------------|---|------|
| 04/22/07 CAH | Conduct legal research re reply brief in support of motion for attorney fees; review cases cited by defendant in response brief.  | 1.50 |
| 04/23/07 CAH | Draft reply brief in support of motion for attorney's fees; read cases cited by defendant in response brief; conduct legal research re issues raised in defendant's response brief. | 1.90 |
| 04/24/07 CAH | Draft reply memo in support of plaintiff's motion for attorney's fees; conduct legal research re issues raised in defendant's response brief.                                       | 1.90 |
| 04/25/07 CAH | Draft reply brief in support of motion for attorney's fees.   | 1.60 |
| 04/26/07 CAH | Draft reply brief in support of motion for attorney's fees.   | 2.90 |
| 04/27/07 CAH | Draft reply brief in support of motion for attorney's fees.   | 2.10 |
| 04/27/07 PCM | Draft motion to extend time to file reply brief; conference with Mr. Moran re same.   | .40  |
| 04/27/07 TJM | Review draft Fee Motion reply; email correspondence with Ms. Hendrickson re same; conference with Mr. McLeod re Motion to Extend Time to file same                                  | .50  |
| 04/29/07 TJM | Revise draft Fee Motion Reply   | .40  |
| 04/30/07 CAH | Edit draft reply of brief in support of motion for attorney's fees.   | .30  |
| 04/30/07 NMM | Deliver courtesy copy of Mot. to Extend time to file reply brief in support of motion for award of att's fees and related nontaxable expenses                                       | .40  |
| 05/02/07 CAH | Conference with Mr. Moran re reply in support of fee petition and supporting materials; review petition for fees and Town's fee records.  | 1.30 |

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|          |     |  |      |
|----------|-----|--|------|
| 05/02/07 | TJM | Conference with Ms. Hendrickson re additional work on fee motion reply   | .30  |
| 05/03/07 | TJM | Continued work on fee motion reply   | .80  |
| 05/04/07 | TJM | Continued work on fee motion reply   | .80  |
| 05/07/07 | TJM | Continued work on fee motion reply   | 1.10 |
| 05/08/07 | TJM | Continued work on fee motion reply   | 3.80 |
| 05/09/07 | PCM | Review and draft reply brief in support of fee motion; assemble exhibits   | .80  |
| 05/09/07 | TJM | Continued work on and finalize fee motion reply; review exhibits to same and arrange for filing/service of same    | 3.40 |
| 05/10/07 | TJM | Letter to Judge Gottschall re Fee Motion Reply   | .20  |
| 05/17/07 | TJM | Telephone conference with Mr. DeMauro re status  | .20  |
| 07/06/07 | PCM | Review current fees and expenses; draft motion for leave to supplement and supplement Local Rule 54.3(e) statement | 2.80 |
| 07/09/07 | PCM | Draft supplemental motions   | .70  |
| 07/10/07 | PCM | Draft response to motion to supplement post-trial motions; conference with Mr. Moran                               | 4.10 |
| 07/10/07 | TJM | Review/revise response to defendants' motion and supplemental post-trial brief; conference with Mr. McLeod re same | .50  |
| 07/11/07 | TJM | Work on response to Motion to Supplement   | .30  |
| 07/13/07 | TJM | Letter to Judge Gottschall re response to Motion to Supplement   | .30  |
| 07/30/07 | TJM | Telephone mail message from and telephone conference with Mr. Demauro  | .20  |

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|              |  |      |
|--------------|--|------|
| 09/26/07 TJM | Review ruling on Motion to Strike Objection to Bill of Costs; conference with Mr. McLeod regarding Response to Objections  | .40  |
| 09/27/07 TJM | Review rulings on post-trial motions; telephone mail messages to/from Mr. McLeod regarding same and regarding next steps; telephone conferences with Mr. DeMauro regarding same; telephone conference with Mr. Hernandez regarding his conversation with Mr. Del Galdo | .70  |
| 09/28/07 PCM | Review order re: post-trial motions; calculate total award based ruling; review rules re: post-judgment interest; conference with Mr. Moran  | 2.60 |
| 09/28/07 TJM | Email correspondence and conference with Mr. McLeod regarding Prejudgment Interest Calculations and method for calculating post-judgment interest  | .50  |
| 10/01/07 PCM | Draft Response to defendants' objections to bill of costs; conference with Mr. Moran   | 1.20 |
| 10/01/07 TJM | Conference with Mr. McLeod re Response to Costs Objections   | .20  |
| 10/02/07 TJM | Review post-judgment interest calculation prepared by Mr. Delagrang; conference with Mr. McLeod re preparing a Motion for Entry of Modified Judgment   | .50  |
| 10/03/07 PCM | Continue drafting response to defendants' response and objections  | 1.90 |
| 10/03/07 TJM | Conference with Mr. McLeod re Motion For Entry Of Amended Judgment   | .30  |
| 10/04/07 PCM | Draft response to objections to bill of costs  | 4.70 |
| 10/04/07 TJM | Conference with Mr. McLeod re our response to Town Objections to Bill of Costs   | .20  |
| 10/09/07 PCM | Draft motion to modify judgment order  | 4.30 |

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|              |   |      |
|--------------|---|------|
| 10/09/07 TJM | Review/revise draft response to bill of costs objections; review/revise draft motion for entry of amended judgment order  | 1.50 |
| 10/10/07 TJM | Final work on Response To Bill Of Costs Objections; work on Motion For Entry Of Amended Judgment; telephone conference with Mr. Roche re current labor contract   | .80  |
| 10/11/07 TJM | Letter to Judge Gottschall re response to Costs Objections; review income documents provided by Mr. DeMauro; work on Motion For Entry Of Amended Judgment   | 1.50 |
| 10/15/07 TJM | Review letter from Mr. Roche and current FOP/Cicero Collective Bargaining Agreement for patrol officers; work on Motion For Entry Of Amended Judgment   | 1.70 |
| 10/18/07 TJM | Work on motion re amended judgment  | .70  |
| 10/22/07 TJM | Work on amended joint motion  | .40  |
| 10/23/07 TJM | Work on Motion For Entry Of Amended Judgment  | .80  |
| 10/25/07 KBE | Conference with Mr. Moran regarding status of case and research assignment.   | .10  |
| 10/25/07 TJM | Review Town Motion to Reconsider and Notice of Appeal; conferences with Ms. Bass Ehler and Mr. Piers re same  | .40  |
| 10/26/07 KBE | Conference with Mr. Moran regarding bond and judgment research; conducted research on rules regarding posting bond pending appeal.  | .40  |
| 10/26/07 TJM | Conference with Mr. Piers re effect of Loren-Maltese not filing Notice of Appeal; conference with Ms. Bass Ehler re same and re legal research assignment re effect of Town's failure to seek stay of execution of judgment | 1.80 |

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and post supersedeas bond and issues re Town Motion for Reconsideration; review relevant rules of Appellate procedure; telephone mail message to Mr. DeMauro; review Loren-Maltese's Notice of Appeal and related documents and Seventh Circuit Notice

|              |  |      |
|--------------|--|------|
| 10/29/07 KBE | Conducted research and drafted memo regarding requirements under Rule 59, Rule 62(d), motions to reconsider, and bond pending appeal.  | 4.30 |
| 10/29/07 TJM | Review Ms. Bass Ehler's research re procedural and substantive requirements for Motions for Reconsideration; prepare Motion to Strike or Deny Town's Motion for Reconsideration; review Ms. Bass Ehler's research re supersedeas bonds | 4.90 |
| 10/30/07 TJM | Telephone conference with Mr. DeMauro re status and appeal; prepare for 2007 court appearance  | .50  |

Fee Summary

|                  |                            |          |
|------------------|----------------------------|----------|
| ARIANNA CISNEROS | 6.70 hours at \$ 75.00 =   | 502.50   |
| ALEX MONTGOMERY  | 0.60 hours at \$ 200.00 =  | 120.00   |
| CARA HENDRICKSON | 16.70 hours at \$ 215.00 = | 3590.50  |
| KARYN BASS EHLER | 4.80 hours at \$ 175.00 =  | 840.00   |
| MARCI SAHINOGLU  | 0.70 hours at \$ 75.00 =   | 52.50    |
| MATHEW MONTALVO  | 1.60 hours at \$ 75.00 =   | 120.00   |
| PETER MCLEOD     | 28.10 hours at \$ 200.00 = | 5620.00  |
| TERENCE J. MORAN | 63.70 hours at \$ 370.00 = | 23569.00 |

Fees Billed.: 34414.50

JOSEPH DEMAURO  
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Disbursements.:

|                         |  |                 |
|-------------------------|--|-----------------|
| 02/05/07                | Messenger delivery service to 219 S. Dearborn St.          | 6.95            |
| 03/12/07                | Cab fare to obtain signature for affidavit on fee petition | 10.00           |
| 10/31/07                | Westlaw on-line research fee                               | 264.08          |
| 02/28/07                | Monthly Fax Expense  | 1.00            |
| 02/28/07                | Monthly Postal Expense                                     | .39             |
| 03/31/07                | Monthly Office Photocopy Expense                           | 67.80           |
| 03/31/07                | Monthly Fax Expense  | 2.00            |
| 05/31/07                | Monthly Office Photocopy Expense                           | 117.40          |
| 10/31/07                | Monthly Office Photocopy Expense                           | .20             |
| Total Disbursements.:   |  | <u>469.82</u>   |
| Total Current Bill.:    |  | <u>34884.32</u> |
| Balance Due.:           |  | 34884.32        |
| Retainer to be applied: |  | .00             |
| Total Due.:             |  | 34884.32        |